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U S NAVY RESPONSE TO REGULATOR COMMENTS ON DRAFT AMENDED SITE
MANAGEMENT PLAN 2013 NSY PORTSMOUTH ME
8/31/2012
U S NAVY

Response to Comments on the
Draft Amended Site Management Plan for FY 2013
NSY Portsmouth, Kittery, ME
August 31, 2012

The following are responses to comments on the Draft Fiscal Year 2013 Amended Site Management Plan received from the Maine Department of Environmental on August 8, 2012.

General Response to all comments related to Remedy in Place (RIP) dates. The Remedy in Place (RIP) milestone is a metric that the Department of Defense uses to establish funding requirements for the Defense Environmental Restoration Program (DERP). The Navy tracks RIP dates in a database, and the RIP dates in this database are changed based on funding needs. For each Operable Unit (OU), RIP dates are established by the Navy based on recent and anticipated progress for use in financial and administrative planning. The RIP dates listed in the Draft Fiscal Year 2013 (FY13) Site Management Plan (SMP) were established by the Navy during spring 2012. The RIP dates do not directly take into account all required document submittals as well as the full comment resolution and re-submittal time periods specified in the Federal Facilities Agreement (FFA). The amended SMP schedules incorporate the maximum allowable dates to allow for times to prepare documents, review documents, issue response letters, and submit revised documents. Therefore the period of time between the RIP date from other site milestones (i.e., Record of Decision (ROD), Remedial Design/Remedial Action (RD/RA)) does vary for different OUs. The Navy previously requested to include the RIP dates in the amended SMPs to assist in tracking DERP metrics. Accordingly, the Navy will remove RIP dates from the amended SMP schedules going forward. Overall, in recent years the Navy has made significant progress in completing Removal Actions, Remedial Investigation/Feasibility Studies (RI/FS), RODs, and/or RD/RA activities for nearly all Operable Units. It continues to be the Navy's intent to provide reasonable RIP dates that can be met on time or in advance for each Operable Unit.

Specific Comments

1. Most of the RIP dates occur anywhere from 14 to 34 months following ROD signature. However, the OU9 RIP occurs on the same date as the ROD signature. Please clarify.

Response. See General Response above. The RIP date will be removed from the schedule in the Draft Final FY13 SMP schedule.

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2. The OU1 schedule should have a RIP date, unless it is unknown or coincides with the date of the signed ROD.

Response. See General Response above. The RIP date will be removed from the schedule in the Draft Final FY13 SMP schedule.

3. OU2 schedule. Please explain the following changes.

- a. Why has the RIP date been delayed a year?

Response. The RIP date for OU2 had been delayed by approximately one year based on planning by the Navy described in the General Response above and subsequent responses to Comment 3. As noted in the General Response, the RIP date will be removed from the schedule in the Draft Final FY13 SMP schedule.

- b. Why are the RD and RA durations each approximately 3 months longer than the durations shown in the FY12 schedule?

Response. The RD and RA durations shown in the FY13 SMP are based on the full timelines allowed in the FFA for document review, comment resolution, and document revision and resubmittal. The durations shown in the FY12 SMP were placeholder estimates but did not include subtasks and all of the times specified in the FFA for regulatory review and comment resolution. Additionally, a conservative construction period was assumed for work during fall and winter time.

- c. Why does the FY12 RIP occur approximately 1 ½ months after the Remedial Action end date, yet the FY13 RIP date occurs approximately 5 months after the RA end date?

Response. See General Response above and Response to Comment 3b. The RIP date will be removed from the schedule in the Draft Final FY13 SMP schedule.

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4. OU7 Schedule. Please explain why the RIP date has been delayed a year. The change in the Draft FS submittal date and regulatory delay in review of the draft FS accounts for about 7 months. What else has caused the delay?

Response. See General Response above. The RIP date will be removed from the schedule in the Draft Final FY13 SMP schedule.

5. OU9 Schedule. Please explain why the RIP has been delayed 20 months. The RI comment resolution delay accounts for about 6 months of the delay.

Response. The RIP date provided in the FY12 SMP was approximately three months following submittal of the Final RI report, and therefore the date in the FY12 SMP did not account for the period of time to complete the FS and ROD. These additional submittal elements accounted for the revised RIP date for Operable Unit 9 in the FY13 SMP. See the General Response above; the RIP date will be removed from the Draft Final FY13 SMP schedule.